

REMARKS/ARGUMENTS

Claims 7-32 and 58-63 are pending herein. Claim 7 has been amended as supported by the specification at page 37, line 12 -- page 38, line 1, for example. Claims 8-15 and 30-32 have been amended to correct matters of consistency with claim 7.

Examiner Lam is thanked for courtesies extended to Applicants' representative (Timothy Evans) during a telephonic interview on September 20, 2005. The substance of that interview has been incorporated into the following remarks.

1. Claims 7-32 and 58-63 were rejected under §112, second paragraph. Applicants respectfully submit that the amendments made to claim 7 overcome Examiner Lam's concerns relating to claim 7. Claim 7 has been amended to clarify that a plurality of solution samples, each containing a capture, and a solution containing no capture are applied to a base plate. Claims 8-15 and 30-32 have been amended to recite the naming of the two solutions consistently with claim 7.

During the telephonic interview conducted on September 20, 2005, Examiner Lam agreed to withdraw the remaining portions of the rejection that relate to claims 13, 14, 31 and 32. During the interview, Applicants' representative argued that claims 13 and 14 describe a sequence of steps that is not expressly described in claim 11, from which both claims 13 and 14 depend, or independent claim 7. Also during the interview, Applicants' representative clarified that the change requested by Examiner Lam was already implemented in the Preliminary Amendment dated May 30, 2002. Examiner Lam agreed with these arguments and agreed that the rejections relating to these claims would be withdrawn.

2. Claims 7-9, 11-19, 21-23, 25-31, 58 and 59 were rejected under §102(e) over Okamoto. To the extent that this rejection may be applied against the amended claims, it is respectfully traversed.

Amended claim 7 recites, among other things, a method for producing a biochip comprising the steps of supplying, onto the upper surface of a base plate, a plurality of solution samples, each containing a capture, and supplying a solution containing no capture separately from and in the same location as each of the solution samples containing the capture. One of the solution sample and the solution is supplied onto the other one of the solution sample and the solution while the other one of the solution sample and the solution is in solution form. More specifically, a solution sample and a solution containing no capture are applied in the same location at different times such that the solution that is supplied second will promptly diffuse into the solution that is supplied first. Because both the solutions are in solution form, the second solution will uniformly disperse within the previously applied solution as shown in Figs. 4c, 9c and 11c.

Okamoto discloses, in column 27, line 61 -- column 28, line 3, the deposition of a solution containing no capture being applied to and cured onto the bottom surface of wells located on a base plate. In particular, once this first solution is applied to the base plate, the solution is cured in a thermohygrostat for two hours. The base plate, with the cured first solution, is then washed with distilled water and spin-dried. Clearly, if the first supplied solution remained in solution form, the solution would be removed during the washing and drying process. Therefore, Okamoto fails to disclose a method for producing a biochip wherein one of the solution sample and the solution is supplied onto the other one of the solution sample and the solution while the other one of the solution sample and the solution is in solution form, as recited in claim 7. Since claims 8, 9, 11-19, 21-23, 25-31, 58 and 59 depend either directly or indirectly from claim 7, those claims are also believed to be allowable over the applied art. Accordingly, reconsideration and withdrawal of this rejection are requested.

3. Claim 32 was rejected under §103(a) over Okamoto; claim 10 was rejected under §103(a) over Okamoto in view of Robinson; claim 20 was rejected under §103(a) over Okamoto in view of Hammond; claim 24 was rejected under §103(a) over Okamoto in view of Dattagupta; claim 60 was rejected under §103(a) over

Okamoto in view of Sakamoto; claim 61 was rejected under §103(a) over Okamoto in view of Schwartz; claim 62 was rejected under §103(a) over Okamoto in view of Wei; and claim 63 was rejected under §103(a) over Okamoto in view of Lopez.

Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Okamoto. Since claims 10, 20, 24, 32 and 60-63 depend either directly or indirectly from claim 7, those claims are also believed to be allowable over the applied art. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

For at least the foregoing reasons, Applicants respectfully submit that all pending claims herein define patentable subject matter over the art of record. Accordingly, Examiner Lam is requested to issue a Notice of Allowance for this application in due course.

If Examiner Lam believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, she is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,


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Date

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